

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

William A. Martin, :  
: :  
Petitioner(s), : Case Number: 1:17cv715  
vs. : :  
: Judge Susan J. Dlott  
Bill Morrison, Director, Butler County CSEA, :  
: :  
Respondent(s). : :  
:

ORDER

This matter is before the Court pursuant to the Order of General Reference in the United States District Court for the Southern District of Ohio Western Division to United States Magistrate Judge Stephanie K. Bowman. Pursuant to such reference, the Magistrate Judge reviewed the pleadings and filed with this Court on January 3, 2018 a Report and Recommendation (Doc. 5). Subsequently, the petitioner filed objections to such Report and Recommendation (Doc. 7).

The Court has reviewed the comprehensive findings of the Magistrate Judge and considered de novo all of the filings in this matter. Upon consideration of the foregoing, the Court does determine that such Recommendation should be adopted.

Accordingly, petitioner's *pro se* petition for a writ of habeas corpus (Doc. 3-1) construed as governed by 29 U.S.C. §2241 is DISMISSED with prejudice on the ground that this Court lacks jurisdiction to consider it.

A certificate of appealability will not issue because petitioner has not stated a "viable claim of the denial of a constitutional right," nor are the issues presented "adequate to deserve encouragement to proceed further." *See Slack v. McDaniel*, 529 U.S. 473, 475 (2000) (citing

*Barefoot v. Estelle*, 463 U.S. 880, 893 & n.4 (1983)); see also 28 U.S.C. §2253 ( c); Fed. R. App. P. 22(b).

With respect to any application by petitioner to proceed on appeal *in forma pauperis*, the Court will certify pursuant to 28 U.S.C. §1915(a)(3) that an appeal of any Order adopting the Report and Recommendation will not be taken in “good faith,” and, therefore, petitioner’s leave to appeal *in forma pauperis* is DENIED upon a showing of financial necessity. See Fed. R. App. P. 24(a); *Kincade v. Sparkman*, 117 F.3d 949, 952 (6<sup>th</sup> Cir. 1997).

IT IS SO ORDERED.

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s/Susan J. Dlott  
Judge Susan J. Dlott  
United States District Court